

REMARKS

File History

- In the Office action of 10/10/2007, no art was applied.
- Claim 40 was allowed.
- Claim 3 and its dependencies (4-18, 27-34) were rejected under 35 USC §112 for indefiniteness due to presence of the phrase, "if any" in Claim 3.
- Claims 8, 35 and 37 were rejected under 35 USC §112 for indefiniteness due to presence of the phrase, "relatively, chemically nonreactive".
- Claims 3-18, 27, 29 were objected to due to presence of parenthetical paragraph identifiers. In claims 27, 29 the presence of parenthetical repeat of the ratios was objected to.

Summary of Current Response

Claims 3-18, 27, 29, 35 are amended to remove the objected to informalities.

Claim 3 is further amended to clarify the "if any" aspect.

Claim 41 is newly added.

Detailed Remarks re Claim 3

Claim 3 is directed to a method rather than to the "exposed interface region" defined in the preamble.

Claim 3 definitively recites that the anti-reflection coating layer (ARC layer) is a "metal-containing" one. That inherently means the ARC layer contains at least a first metal element. It does not inherently mean that base anchor portions of certain ones of the nodules will contain the first metal element.

The method of Claim 3 cannot control whether for each supplied workpiece, certain ones of the base anchor portions contain or do not contain the recited first metal element of the metal-containing ARC layer. The method is applied irrespective of whether certain ones

of the base anchor portions definitively contain the first metal element or not. There is nothing indefinite about applying the method irrespective of whether certain ones of the base anchor portions contain the first metal element or not.

Support for Applicant's assertions may be found in the specification as filed, to wit:

[0036] It is to be appreciated from Fig. 3 that the residue nodules **typically** each have a base or bottom stem (255b,355b) and an upper body portion (255a,255d). Access of the chemically reactive agent (e.g., chlorine) to the base or bottom stems **may be** limited due to crowding by adjacent nodules and/or fibers or due to short stem height. In order **to better assure** that the chemically reactive, plasma agent (356) moves into appropriate reactive-proximity with the bases/stems of the nodules, it is desirable to include a chemically reactive, plasma agent that is **of relatively small diameter**, for example, ionized chlorine atoms. In other words, in order for the chemically reactive, plasma agent to diffuse into reaction zones surrounding the bases or stems of the residue nodules and/or fibers **so as to react with the metal element (e.g., Ti), if any**, in **those** respective bases/stems of the residue nodules and/or fibers, it is desirable to have the chemically reactive, plasma agent be one of a relatively small physical size. Chlorine appears to work well in this role. It is possible in many cases for HCl to also be of sufficiently small size to easily diffuse into the stem reaction zones. Mixtures of Cl₂ and HCl may be used. [Emphasis added.]

The "if any" language found in the above-reproduced portion of paragraph [0036] clearly conveys to those skilled in the art that the metal element (e.g., Ti) is not always or of necessity present in every base or stem of every nodule. Note also use of the term, "typically". In view of this, the "if any" language of Claim 3 conveys with respect to the invention of Claim 3, the subject matter (the method) that Applicant regards as his invention. The supplied workpiece that may or may not contain the first metal element in every one of the anchors of every one of the nodules is not the claimed invention but is rather the entity that is being subjected to the claimed method. The workpiece is always subjected to the claimed invention. Thus there is nothing indefinite for the ordinary artisan to ponder over. Either the method is applied or it is not applied irrespective of whether the certain ones of the base anchor portions definitively contain the first metal element or not.

In view of the above, it is respectfully submitted that the objection regarding the "if any" language in Claim 3 does not render the claim indefinite. Claim 3 is nonetheless amended merely to clarify that "respective ones of the base anchor portions may or may not contain a first metal element of the metal-containing ARC layer".

Detailed Remarks re Claims 8, 35, 37

The Office action makes a finding of fact that the term "relatively chemically nonreactive" is not defined in the specification.

Applicant respectfully traverses this finding.

The last sentence in paragraph [0038] states: "Although nitrogen (N_2) may be somewhat reactive, it too may be considered as a candidate for providing kinetic bombardment energy." [Emphasis added.] The earlier part of paragraph [0038] discusses "one or more physical bombardment agents such as Ar and/or other noble gases and/or other, relatively low-mass non-reactive molecules such as is indicated in options are 325 of the flow chart." [Emphasis added.] Region 325 of Fig. 3 shows its members as including Ar, other noble gases and/or "Other Non-reactive small molecules: N_2 " [Emphasis added.]

Moreover, Claim 9 provides enlightenment for the term by stating: "wherein said second agent is selected from the group consisting of: argon, helium, neon, krypton and nitrogen."

It is well established that the claims constitute part of the written description. It is also well established that the drawings (e.g., Fig. 3) constitute part of the written description.


In view of the above, it is respectfully submitted that the specification (including the drawings and claims) does provide a reasonable basis for construing the term, "'relatively chemically nonreactive". N_2 for example is not totally nonreactive, It is relatively chemically nonreactive. This is about as best as the subject matter allows given that there is no clear way to expand on the list of noble agents other than by defining the list as constituting relatively chemically nonreactive agents (e.g., N_2).

CONCLUSION

It is believed that all informalities have been removed and objections overcome. Given that no art is applied, it is respectfully requested that allowable subject matter be indicated again as it was in an earlier Office action. Should any other action be contemplated by the

Examiner, it is respectfully requested that he contact the undersigned at (408) 392-9250 to discuss the application.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2257 for any matter in connection with this response, including any fee for extension of time and/or fee for additional claims, which may be required.

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Respectfully submitted,



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